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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,428	12/12/2003	Eric Peeters	D/A3600	3873

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EXAMINER

NGUYEN, TAN QUANG

ART UNIT PAPER NUMBER

3661

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/734,428	PEETERS, ERIC	
	Examiner	Art Unit	
	TAN Q. NGUYEN	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims-

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAIL ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-27 are pending

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-6 and 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagda et al. (6,862,524).
4. As per claims 1, Nagda et al. disclose the invention as claimed which includes a user interface for receiving updated route speed information, an input device for receiving a destination point from a driver (see at least figures 1, 4, 6, 12 and the related text), a GPS locator for identifying the position of the vehicle (see figure 2, column 4, lines 34-53), a computational system to select a fastest route from the position of the vehicle to the destination point using the updated route speed information (see at least

the abstract and figure 12), and an output device for communicating the fastest route to the driver (see figure 12 and the related text).

5. As per claims 2, Nagda et al. further disclose a transmitter for transmitting data that includes the speed and the location of the vehicle to a central processing point (see figures 2, 4, and column 4, lines 40-53).

6. As per claim 3, Nagda et al. also disclose that the speed of the vehicle is determined by the changes in a GPS signal (see at least the abstract and column 5, lines 6-8).

7. As per claims 5 and 6, Nagda et al. disclose the communication between the vehicle and the remote central is a wireless telephone or a wireless internet (see column 1, lines 49-65, column 5, lines 25-30).

8. As per claim 8, Nagda et al. also disclose the communication between the receiving unit and the transmitter (see at least figure 2 and column 5, lines 57-67).

9. As per claim 9, Nagda et al. further disclose that the vehicle receives the traffic information via the wireless internet when it passes through each coverage area (see at least figure 1 and column 14, lines 37-47).

10. As per claims 10 and 11, Nagda et al. disclose a storage device for storing the traffic information and the GPS data and times (see at least figures 4, 5, and the related text).

11. As per claim 12, Nagda et al. also disclose that the traffic information includes road closures and accidents (see at least column 9, lines 44-48, column 10, lines 37-42, and column 11, lines 32-40).

12. As per claim 13, Nagda et al. further disclose the output device is a display screen in a vehicle (see figure 8).

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13. Claims 16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ask et al. (6,754,580).

14. As per claim 16, Ask et al. disclose a system for providing traffic information which includes a receiver for receiving transmission signals from a plurality of vehicles, each vehicle transmitting a location and a speed (see at least the abstract), a processing unit for processing the location and speed of each vehicle to determine a route speeds at various points on streets in a region, and a transmitting unit to transmit route speed information at the various points to a plurality of navigation units (see at least column 2, lines 40-63, column 3, lines 37-53, column 6, lines 42-48, and column 7, lines 9-36).

15. As per claims 18-20, Ask et al. disclose that each vehicle transmits a signal indicating a speed and position of the navigation unit and the route speed is transmitted at points requested by the navigation unit (see at least the abstract, column 7, lines 12-45).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

18. Claims 4, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagda et al. (6,862,524).

19. As per claim 4, Nagda et al. disclose the claimed invention as discussed above which includes the speed of the vehicle is computed from the location signal (see at least column 6, lines 22-34). Nagda et al. do not disclose the speed of the navigation system is computed from speed sensing electronics coupled to the navigation system. However, it would have been obvious to an ordinary skill in the art to realize that the speed of the vehicle is also sensed from the speed sensor such as the odometer. Thus, it would have been obvious to an ordinary skill in the art to modify the teaching of Nagda et al. by using the sensed speed data which is transmitted from the vehicle for the speed traffic calculation in order to avoid the computation of the speed.

20. As per claim 14 and 15, Nagda et al. disclose the computation of the route speed based on the computed vehicle speeds of the vehicle in that area which obviously includes the fastest moving vehicle near the point (see at least figures 4, 5 and the related text). Nagda et al. further disclose the type of road the vehicles are traveling on which obviously includes a carpool lane (see at least column 12, lines 4-19).

21. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagda et al. as applied to the claims above, and further in view of Robinson et al (6,577,949).

22. Nagda et al disclose the claimed invention as discussed above except for the communication between the vehicles. However, Robinson et al. suggest a method and system for exchanging routing data between end users as shown in at least the abstract. It would have been obvious to one ordinary skill in the art to incorporate the teaching of Robinson et al. into the system of Nagda et al. in order to allow the exchange information between vehicles which would reducing the accessing fee directly from the traffic control or reducing the repeated calculation at the traffic center if the two vehicles are in the same road at the same time.

23. Claims 17 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ask et al. as applied to claims 16 and 18-20 above, and further in view of Nagda et al. (6,862,524).

24. As per claims 17 and 21, and 22, Ask et al. disclose a system for providing traffic information and using such information for calculating a best route for the user (see column 7, lines 9-21). Ask et al. do not disclose the use of GPS signal for obtaining a current position and the calculation of the fastest route from a current position to a destination. However, Nagda et al. suggest the use of GPS for determining the current position, obtaining the traffic information and calculating a fastest route for the user (see at least the abstract and column 5, line 57 et seq.) In addition, the navigation unit for calculating the fastest route is well known in the art at the time the invention was made. It would have been obvious to combine and modify the teaching of Ask et al. and Nagda et al. in order to provide the system with the enhanced capability of using GPS for providing the current position for the traffic center for updating the traffic flow, and providing the calculated faster route either at the traffic center and transmitted back to the user, or such fastest route is performed at the navigation unit on board the vehicle to reducing the processing fee.

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25. With respect to claims 23-27, the limitations of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above.

Conclusion

26. Claims 1-27 are rejected.

27. The following references are cited as being of general interest: Waizman et al. (5,919,246), Myr (6,480,783), DeKock et al. (6,785,606), Hubschneider et al. (6,853,915), Kwai (2003/0171094), and Endo et al. (2004/0249568).

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the Official Fax Center:

(571) 273-8300, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

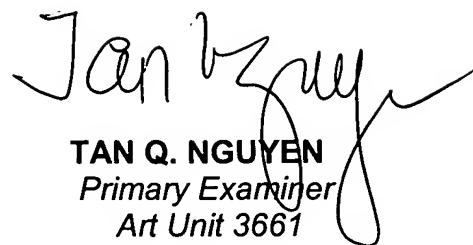
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September 2, 2005


TAN Q. NGUYEN
Primary Examiner
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